

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VINCENT P. JIMENEZ,

Plaintiff,

v.

No. 11-cv-0707 WJ/SMV

**JEFFREY STONE,
KEVIN TODACHEENIE, and
CITY OF ALBUQUERQUE,**

Defendants.

ORDER ON DEFENDANT CITY OF ALBUQUERQUE'S MOTIONS TO COMPEL

THIS MATTER is before the Court on Defendant City of Albuquerque's Motion to Compel [Doc. 49] and Motion to Compel [Doc. 40]. The Court heard argument from pro se Plaintiff and from counsel for Defendant on March 20, 2013. Pursuant to the hearing, the Court finds that [Doc. 49] is well-taken and will grant it in part and deny it in part. The Court will deny as moot [Doc. 40].

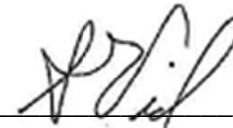
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Motion to Compel [Doc. 49] is:

- **GRANTED in part** with respect to Defendant's Interrogatory No. 6, requesting any of Plaintiff's phone accounts to which Plaintiff had access on the day of the incident underlying the Complaint. During the hearing, Plaintiff represented that he could only produce a cellular telephone number. Plaintiff complied with this request and produced the telephone number during the hearing, so no further action is required of Plaintiff;

- **DENIED as moot in part** with respect to the remaining Requests for Production (Nos. 3, 5, 6, 7, and 8), based on Plaintiff's representation that he has no document that is responsive to the Requests that he has not already produced.

IT IS FURTHER ORDERED that Defendant City of Albuquerque's Motion to Compel [Doc. 40] is **DENIED as moot**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge